

ESTTA Tracking number: **ESTTA283488**

Filing date: **05/12/2009**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name	NSM Resources Corporation		
Entity	Corporation	Citizenship	Nevada
Address	PO Box 931162 Los Angeles, CA 90093 UNITED STATES		
Correspondence information	Zane Murdock NSM Resources Corporation PO Box 931162 Los Angeles, CA 90093 UNITED STATES zane@huckdoll.com Phone:530-581-4622		

Registration Subject to Cancellation

Registration No	2944406	Registration date	04/26/2005
Registrant	SPIN MASTER LTD. 450 Front Street West Toronto Ontario, M5V 1B6 CANADA		

Goods/Services Subject to Cancellation

Class 028. First Use: 2002/06/00 First Use In Commerce: 2002/10/00
All goods and services in the class are cancelled, namely: FULL LINE OF FLYING TOYS, AIR-POWERED TOYS, RADIO CONTROLLED TOYS, CHILDREN'S NOVELTY AND CRAFT TOYS

Grounds for Cancellation

False suggestion of a connection	Trademark Act section 2(a)
Dilution	Trademark Act section 43(c)

Marks Cited by Petitioner as Basis for Cancellation

U.S. Registration No.	3244135	Application Date	01/06/2006
Registration Date	05/22/2007	Foreign Priority Date	NONE
Word Mark	HUCK		

Design Mark	<h1>HUCK</h1>
Description of Mark	NONE
Goods/Services	Class 028. First use: First Use: 2004/03/01 First Use In Commerce: 2005/03/01 Bathtub toys; Bendable toys; Collectable toy figures; Crib toys; Disc toss toys; Electric action toys; Fantasy character toys; Inflatable toys; Mechanical action toys; Plastic character toys; Plush toys; Positionable toy figures; Radio controlled toy vehicles; Rubber character toys; Toy action figures and accessories therefor; Toy figures; Toy gliders; Toy masks; Toy mobiles; Toy robots; Toy rockets; Toy scooters; Toy snow globes; Toy vehicles; Toy water globes; Toy wind socks; Toys, namely, a disk to toss in playing a game wherein other disks are flipped and collected

U.S. Registration No.	3310854	Application Date	12/19/2006
Registration Date	10/16/2007	Foreign Priority Date	NONE
Word Mark	HUCK DOLL		
Design Mark	<h1>Huck Doll</h1>		
Description of Mark	NONE		
Goods/Services	Class 028. First use: First Use: 2000/02/14 First Use In Commerce: 2001/03/01 Playsets for dolls; Toy action figures and accessories therefor Class 035. First use: First Use: 2001/03/01 First Use In Commerce: 2001/03/01 On-line retail store services featuring toy action figures, apparel and board games		

Attachments	78786734#TMSN.jpeg (1 page)(bytes) 77067486#TMSN.jpeg (1 page)(bytes) PDFOnline.pdf (5 pages)(7488 bytes) HOMETOWN.front.pdf (1 page)(501949 bytes) HOMETOWN.back.pdf (1 page)(856758 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/zanemurdock/
Name	Zane Murdock
Date	05/12/2009

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of Trademark Registration

Serial No.: 2944406

Filed: August 8, 2002

Trademark: S SPIN MASTER

Registered: April 26, 2005

_____)	
NSM Resources Corporation)	
)	
Petitioner,)	
)	Petition No.: _____
v.)	
)	
Spin Master LTD Corporation)	
)	
Registrant)	
_____)	

PETITION FOR CANCELLATION

NSM Resources Corporation (“NSM”) (“Petitioner”) is a current Nevada Corporation qualified to operate in California. Petitioner NSM has a home office mailing address of PO Box 931162, Los Angeles, CA, 90093, USA. Petitioner NSM owns the Registered Trademark No. 3244135 for the mark HUCK for International Class 28 namely toys and the Registered Trademark No. 3310854 for HUCK DOLL International Class 28 namely toys. On this day, May 12, 2009, the Petitioner NSM files this petition.

The Petitioner believes it is being damaged by the use of Registered Trademark No. 2944406 for S SPIN MASTER and believes this registration should be cancelled.

1. Upon information and belief, the Registrant Spin Master LTD (“Spin Master”) is a Corporation of the Country of Canada believed to have a principal place of business of 450 Front Street West, Toronto, Ontario, Canada, M5V 1B6.
2. The Registrant Spin Master has refused to acknowledge the validity of the Petitioner’s Trademarks for HUCK and HUCK DOLL that the Petitioner NSM has been using in commerce continuously at least as early as 2004.
3. Upon information and belief the Registrant Spin Master began selling handheld action toys using the name “Hometown HUCK” at least as early as 2006. SEE EXHIBIT A. The Registrant Spin Master has damaged the Petitioner NSM’s mark HUCK in undeniable fashion, and has attempted to dilute this Trademark. This use also creates a false suggestion of connection between the Petitioner NSM and the Registrant Spin Master.
4. The Registrant Spin Master has not settled claims with the Petitioner NSM.
5. The Registrant Spin Master is listed as owner on over 450 Trademark applications with the USPTO (both live and dead). In this way, the Petitioner NSM believes the Registrant Spin Master has so many Trademarks that Registrant Spin Master does not concern itself with other brands or other Trademarks when manufacturing toy products, the Registrant Spin Master only focuses on its own. For these reasons, the Registrant Spin Master, if it is to place this S SPIN MASTER Trademark (logo) on products and then deny involvement, basically is denying any validity to this Trademark registration.

WHEREFORE, The Petitioner requests that the USPTO cancels the Registrant Spin Master’s Trademark registration for International Class 28 listed. The Petitioner files this petition with the prescribed fee of \$300.

Sincerely yours,

/zanemurdock/

Zane Murdock

President / NSM

NSM Resources Corporation

PO Box 931162

Los Angeles, CA 90093

USA

530-581-4622 phone

zane@huckdoll.com

CERTIFICATE OF SERVICE BY FIRST-CLASS MAIL

On May 12, 2009, I deposited in the United States Mail a properly addressed, postage prepaid envelope containing a true copy of this document served on:

Spin Master LTD.
450 Front Street West
Toronto, Ontario M5V 1B6
Canada

I declare under the penalty of perjury of the State of California that the foregoing is true and correct.

Dated: May 12, 2009

/zanemurdock/
Zane Murdock
President / NSM
NSM Resources Corporation
PO Box 931162
Los Angeles, CA 90093
USA
Phone: 530-581-4622

EXHIBIT A

THUMB WRESTLING FEDERATION



VS



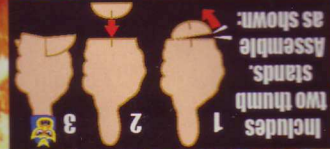
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THUMB WRESTLING FEDERATION

DEXTERAS, SINISTRAS, LET'S THUMBLE!



- | | |
|-------------------|-------------------|
| Gary the Intern | vs. Senator Skull |
| Unit 19C | vs. N-Jengo |
| Vini Vidi Victory | vs. The Visitor |
| GIM | vs. Itsy Bitsy |
| Tom Cat | vs. The Big Time |
| Evil Iva | vs. The Amceba |
| Wasabi | vs. Buiy Bat Boy |
| Hometown Huck | vs. The Scorchion |



See the matches and more on Nicktoons Network and on the web at www.thumbwrestlingfederation.com

Season 1

Collect Them All!

Enter the ring and create your own battles when the Mighty Dexteras go thumb-to-thumb against the evil Sinistras with TWF Match Packs! Experience the zany, non-stop action of TWF!



Customer Care 1-800-622-8339

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 Spin Master Toys Far East Ltd., 300 International Drive, Ste. 100, Williamsville, NY 14221
 E. Kowloon, Hong Kong
 Conforms to product safety standards ASTM F963-03 regulatory requirements. Product and colors may vary. Please retain this information for future reference. Please remove all packing material before giving to children.
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